

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, LLC, ET AL.,	:	
	:	
Plaintiffs	:	CIVIL ACTION
	:	
v.	:	No. 02-3830
	:	
ADVANCED ENVIRONMENTAL	:	
TECHNOLOGY CORPORATION, ET AL.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 12th day of June 2008, upon consideration of plaintiffs' Motion in Limine with Respect to Certain Exhibits and Witnesses Listed in Defendants' Pretrial Memorandum (Doc. No. 341) and defendant Handy & Harman Tube Company Inc.'s Opposition to Plaintiffs' Motion in Limine to Bar the Use of Administrative Depositions (Doc. No. 347), it is ORDERED that plaintiffs' Motion is GRANTED in part and DENIED in part.

It is further ORDERED as follows:

1. As the scope of the motion presented to the Court is exceedingly broad, counsel are directed that any party seeking to admit testimony from an EPA Administrative deposition must identify the witness and the specific testimony by page and line number. This shall be completed 5:00 p.m. on Tuesday, June 17, 2008. Objections shall be presented no later than 5:00 p.m. on Thursday, June 19, 2008.
2. The exhibits attached to the EPA depositions are inadmissible unless properly authenticated and demonstrated as admissible non-hearsay.
3. The challenged EPA witness summaries are inadmissible unless properly authenticated and demonstrated as admissible non-hearsay.
4. The challenged expert reports are inadmissible unless properly authenticated and demonstrated as admissible non-hearsay.

5. The initial disclosures and interrogatories are inadmissible unless properly authenticated, demonstrated as admissible non-hearsay, and used in accordance with the Federal Rules of Civil Procedure.
6. To the extent that Carpenter Technology did not specify witnesses in accordance with Federal Rule of Civil Procedure 26(a)(3)(A)(i), it will not be permitted to call such witnesses.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.